

Serial No. 09/784,159
Docket No. FJ-2000-041 US

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REMARKS

Applicants gratefully acknowledge Examiner Misleh for taking time from his busy schedule on October 30, 2006, to conduct a telephone interview with Applicants' representative. Applicants' representative believes that this interview was productive, since it clarified the Examiner's rationale for the rejection currently of record.

Applicants submit that entry of this response is proper under 37 CFR §1.116, since no new claims or issues are presented, and this response addresses the issue raised during the telephone interview of October 30, 2006.

Claims 1-49 are all the claims presently pending in the application.

It is noted that the claim amendments, if any, are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability, since it is believed that one of ordinary skill in the art would not agree with the USPTO that the canister data structures provide a directory structure, let alone a directory structure scheme based on properties associated with the images. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge that claims 5-7, 16, 21-23, 28, 32-35, and 44 would be allowable if rewritten in independent form. However, Applicants respectfully submit that all of the claims are allowable over the prior art currently of record, as explained below.

Claims 1-4, 8-14, 17-20, 24-27, 29-32, 36-42, and 45-48 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Tomat, et al. (U.S. Patent No. 6,784,925). Claims 15 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomat, et al.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention, as exemplarily defined in, for example, independent claim 1, is directed to an image information obtaining method in which an image information receiving end can select a desired image file according to information about directories presented by an image information transmitting end and receives an image of the selected image file.

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The method includes, at the image information transmitting end, classifying a plurality of images recorded in a recording medium under parameters that represent properties of the plurality of images. Directories are produced, at the image transmitting end, into which to register image files or file names of the classified images in each parameter. File names are registered as required for each image. A file name for each image is registered under each directory for which any specific parameter applies to said image.

In the image information receiving end, a display is provided of at least a portion of a hierarchical tree structure in accordance with the directories, from which can be selected a desired image file of a desired parameter according to the information about the directories produced by the image information transmitting end. An image of the selected desired image file of the desired parameter is received from the image information transmitting end. The desired image file can be retrieved from any directory in the hierarchical tree structure for which a specific parameter for the desired image file applies.

Conventional methods do not have the feature of the present invention in which a directory system is set up at the transmitting end (e.g., in the camera). Rather, the directory structure, if any, results due to user manipulation in a peripheral device such as a computer upon which is executing an image process application program such as a photo processing application program.

In contrast, the present invention teaches a method in which the camera itself (e.g., the transmitting end apparatus) has the capability of generating the directory structure. There are several advantages of this novel approach, including the ability to select which of the images are to be selectively received, based, for example, on selecting files having only a specific property (e.g., shooting conditions, etc., in an exemplary non-limiting example).

Another advantage is that the receiving end can be a cellular telephone as modified to interact with the transmitting end. The cellular phone can then forward the image to a printer or Internet server.

That is, one important motivation behind the present invention has been that the virtual directory information comprises smaller amount of data, which then can be conveniently transferred and browsed in the cellular phone. The advantage of this is that the transfer of such virtual directory information from the camera ("image information transmitting end") to the phone ("image information receiving end") is faster and consumes less memory especially in the receiving side than transferring/browsing the complete original images.

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After selection by the user, the real size image(s) can be pulled to the cellular phone, as necessary. Preferably, the camera also produces thumbnail images and puts this information available to the virtual directories (e.g., see claim 3).

The prior art fails to provide this capability and, indeed, fails to even recognize this problem, let alone provide the unique solution of the present invention.

II. THE PRIOR ART REJECTIONS

The Examiner continues to allege that Tomat teaches the claimed invention as defined by claims 1-4, 8-14, 17-20, 24-27, 29-32, 36-42, and 45-48 and renders obvious the invention defined by claims 15 and 43. Applicants again respectfully disagree and submit that there are elements of the claimed invention which are neither taught nor suggested by Tomat, even if the display of Figure 22 were to be considered indicative of a directory structure within the camera.

That is, although Applicants still consider that one of ordinary skill would not agree with the Examiner's characterization of the hierarchical structure shown in Figure 22 represents a directory structure, Applicants have clarified the claim language to describe that any specific image is selectively retrievable from any directory in the directory hierarchical structure in which the image is registered. Thus, in the present invention, images are listed in as many directories as is appropriate for properties associated with that image, and the image can be retrieved from any of these directories.

During the telephone interview dated October 30, 2006, Applicants' representative pointed out that considering the "date and time" as a specific parameter would not satisfy the plain meaning of the independent claims, since the claim describes parameters (e.g., plural form of the noun), meaning that Tomat would have to provide more than one parameter, each associated with its respective directory. In the alternative, if "date" is considered one parameter and "time" is considered as a second parameter, then the plain meaning would not be satisfied because time and date do not each have respective file/directory names. Therefore, it was argued, the Examiner's interpretation would fail to satisfy the plain meaning of the language of the independent claims under either interpretation.

In response, the Examiner indicated that he was interpreting the word "parameter" as meaning the specific value of time/date associated with each image. Therefore, under this interpretation, each image had a "directory" associated with its specific values for time and date.

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Applicants submit that one having ordinary skill in the art would not agree with the Examiner's interpretation of the word "parameter" as meaning the specific values. Thus, for example, Wikipedia defines "parameters" as:

*From Wikipedia, the free encyclopedia
For usage in computer science and programming, see parameter (computer science).
In non-technical contexts or in jargon, parameter may simply be a synonym for criterion.*

In mathematics, statistics, and the mathematical sciences, parameters (L: auxiliary measure) are quantities that define certain characteristics of systems or functions. When evaluating the function over a domain or determining the response of the system over a period of time, the independent variables are modulated, while the parameters are held constant. The function or system may then be reevaluated or reprocessed with different parameters, to give a function or system with different behavior. Loosely speaking, then, parameters are constants in a narrow context but are variables in a larger context. Moreover, whether a quantity is a parameter or a variable is generally determined by its role in a particular system or function, rather than by anything intrinsic to the quantity.

Moreover, Applicants' specification at various places, including lines 13-15 and line 20 of page 16 make clear that "parameter" is intended to have its commonly accepted meaning by indicating that "parameter" is considered similar to "category." Therefore, Applicants respectfully submit that the Examiner is precluded from interpreting "parameter" as meaning specific values for the time/date associated with the images of Tomat.

Hence, turning to the clear language of the claims, in Tomat there is no teaching or suggestion of: "...classifying a plurality of images recorded in a recording medium under parameters that represent properties of the plurality of images; producing directories in which to register image files or file names of the classified images in each parameter; and registering file names as required for each image, wherein a file name for each image is registered under each directory for which any specific parameter applies to said image", as required by independent claim 1. Independent claims 8, 17, 24, 29, and 36 have similar language.

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggest by Tomat, and the Examiner is respectfully requested to withdraw this rejection.

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III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1-49, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 12/1/06

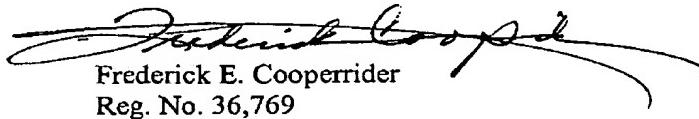


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CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Request for Reconsideration under 37 CFR §1.116 to Examiner J. Misleh on December 1, 2006.



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